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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,848	12/29/2000	Eric C. Honea	IL-10507	1079

7590 10/27/2003

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EXAMINER

NGUYEN, TUAN M

ART UNIT PAPER NUMBER

2828

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,848

Applicant(s)

HONEA ET AL.

Examiner

Tuan M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Injeyan et al ('297).

With respect to claims 1 and 5-7, Injeyan et al disclose a laser gain medium (22) having certain polished surface that are used to transport pump light by internal reflection throughout said laser gain medium, the light sources (24, 26) directing laser pump light into said laser gain medium, a layered coating (41, 43), evanescent wave coating (48), note col. 2 line 53 to col. 4 line 61, see fig. 1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Injeyan ('297) in view of Feng et al ('468) further in view of Connors et al ('555).

With respect to claims 2-4 and 8, Injeyan et al disclose all limitations as set forth in claims 1 and 6-7. however Injeyan et al do not disclose the powered BaSO₄ and an absorbing film such as Ge. Whereas Feng et al disclose germanium (Ge), note col. 3 and Connors et al disclose the BaSO₄ material on col. 3. For the advantageous of the diffuse reflectance material , it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Injeyan et al with the Ge and BaSO₄ material as taught or suggested by Feng and Connors.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: all signed date has been removed.

Response to Arguments

4. Applicant's arguments filed on June 20, 2003 have been fully considered but they are not persuasive.

On page 8 Applicant argues that " enclosed are declaration by Eric C. Honea, Raymond J. Beach, and Eddie E. Scott that establish that applicants made the invention described and claimed in the subject patent application in this country prior to July 7, 1998 which is the filing date of the application from which the cited Injeyan reference, US Patent No. 6,094,297, matured. Applicants submit that the cited Injeyan reference, US Patent No. 6,094,297, can not be used as a reference against the claims of the subject application". It is disagreed because the declaration is defective as above reason. Therefore Applicant's argument is not persuasive. Claims 1-8 are not patentable over Injeyan.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Citation Of The Pertinent References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Kaneda (US patent 6,625,194) discloses laser beam generation apparatus.

The patent to Unternahrer et al (US patent 5,930,282) discloses method and apparatus for adjusting the pump distribution in a laser.

The patent to Miura (US patent 5,339,328) discloses solid-state laser.

The patent to Brown et al (US patent 5,299,220) discloses slab laser.

The patent to Tajima (US patent 5,084,889) discloses laser medium for use in a slab laser.

The patent to Langhans (US patent 4,912,713) discloses solid state laser rod for optimizing efficiency and minimizing wave front distortion.

The patent to Jones (US patent 4,681,396) discloses high power laser energy delivery system.

The patent to Petheram (US patent 4,642,809) discloses slab active lasing medium.

The patent to Byer (US patent 4,555,786) discloses high power solid-state laser.

The patent to Karger et al (US patent 4,207,541) discloses cooling jacket for laser flash lamps.

The patent to Rosenkrantz et al (US patent 3,982,201) discloses CW solid-state laser.

The patent to Snitzer (US patent 3,582,820) discloses erbium laser device.

The patent to Culver (US patent 3,515,897) discloses stimulated Raman parametric amplifier.

The patent to Jones (GB patent 2008314) discloses face pumped laser with diffraction limited output beam.

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Communication Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan M Nguyen whose telephone number is (703) 306-0247.

The examiner can normally be reached on 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.



Paul Ip
SPE
Art unit 2828

TMN
October 2, 2003